IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

REALTIME DATA, LLC D/B/A IXO, **Plaintiff,** **-against-** **THOMSON REUTERS CORPORATION, et al.,** **Defendants.**	Civil Action No.: 6:09-CV-333-LED-JDL **DEFENDANT THOMSON REUTERS CORPORATION'S ANSWER TO SECOND AMENDED COMPLAINT**

Defendant Thomson Reuters Corporation ("Thomson Reuters") through its undersigned counsel, Vinson & Elkins LLP, hereby answers the Second Amended Complaint for Patent Infringement of Plaintiff Realtime Data, LLC ("Realtime Data"), filed with this Court on May 17, 2010 (the "Second Amended Complaint"), based on Thomson Reuters's present knowledge as to its own activities, and upon information and belief as to the activities of others, as follows:

THE PARTIES

1. Thomson Reuters is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 1 of the Second Amended Complaint and therefore denies them.

2. Thomson Reuters denies the allegations set forth in Paragraph 2 of the Second Amended Complaint, except to admit that Thomson Reuters is a corporation organized and

existing under the laws of Ontario, Canada with a principal place of business at 3 Times Square, New York, New York.

3. Thomson Reuters denies that Bloomberg makes, sells, offers for sale, and/or uses any of Thomson Reuters's products and services listed in Paragraph 3 of the Second Amended Complaint. Thomson Reuters is without sufficient knowledge or information to form a belief as to the truth of the remainder of the allegations contained in Paragraph 3 and therefore denies them.

4. Thomson Reuters is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 4 of the Second Amended Complaint and therefore denies them.

5. Thomson Reuters is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 5 of the Second Amended Complaint and therefore denies them.

6. Thomson Reuters is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 6 of the Second Amended Complaint and therefore denies them.

7. Thomson Reuters is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 7 of the Second Amended Complaint and therefore denies them.

8. Thomson Reuters is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 8 of the Second Amended Complaint and therefore denies them.

9. Thomson Reuters denies the allegations set forth in Paragraph 9 of the Second Amended Complaint, except to admit that the Second Amended Complaint purports to refer to Thomson Reuters, Bloomberg, L.P., Factset Research Systems Inc., Interactive Data Corporation, Penson Worldwide, Inc., and Nexa Technologies, Inc. as "Defendants."

JURISDICTION AND VENUE

10. Thomson Reuters states that Paragraph 10 of the Second Amended Complaint states a legal conclusion to which no response is required. Thomson Reuters further states that it does not challenge the subject matter jurisdiction of this Court.

11. Thomson Reuters states that Paragraph 11 of the Second Amended Complaint states a legal conclusion to which no response is required. To the extent a response is required, Thomson Reuters denies the allegations contained in Paragraph 11 of the Second Amended Complaint. Thomson Reuters further states that it does not challenge the personal jurisdiction of this Court.

12. Thomson Reuters states that Paragraph 12 of the Second Amended Complaint states a legal conclusion to which no response is required. To the extent a response is required, Thomson Reuters denies the allegations contained in Paragraph 12 of the Second Amended Complaint. Thomson Reuters further states that it does not contest that venue is proper in this Court. However, nothing herein shall be construed as an admission by Thomson Reuters that venue is convenient in this District under 28 U.S.C. § 1404, which Thomson Reuters expressly denies for at least the reasons stated in Thomson Reuters' Motion to Transfer Venue and related briefing.

FACTS

13. Thomson Reuters is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 13 of the Second Amended Complaint and therefore denies them.

14. Thomson Reuters is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 14 of the Second Amended Complaint and therefore denies them.

15. Thomson Reuters is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 15 of the Second Amended Complaint and therefore denies them.

16. Thomson Reuters is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 16 of the Second Amended Complaint and therefore denies them.

17. Thomson Reuters is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 17 of the Second Amended Complaint and therefore denies them.

18. Thomson Reuters denies the allegations contained in Paragraph 18 of the Second Amended Complaint.

COUNT ONE – INFRINGEMENT OF U.S. PATENT 6,624,761

19. Thomson Reuters incorporates its responses to Paragraphs 1-18 above.

20. Thomson Reuters denies the allegations contained in Paragraph 20 of the Second Amended Complaint.

21. Thomson Reuters denies the allegations contained in Paragraph 21 of the Second Amended Complaint.

22. Thomson Reuters denies the allegations contained in Paragraph 22 of the Second Amended Complaint.

23. Thomson Reuters is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 23 of the Second Amended Complaint and therefore denies them.

24. Thomson Reuters is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 24 of the Second Amended Complaint and therefore denies them.

25. Thomson Reuters is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 25 of the Second Amended Complaint and therefore denies them.

26. Thomson Reuters is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 26 of the Second Amended Complaint and therefore denies them.

27. Thomson Reuters is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 27 of the Second Amended Complaint and therefore denies them.

28. Thomson Reuters is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 28 of the Second Amended Complaint and therefore denies them.

29. Thomson Reuters is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 29 of the Second Amended Complaint and therefore denies them.

30. Thomson Reuters is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 30 of the Second Amended Complaint and therefore denies them.

31. Thomson Reuters states that Paragraph 31 of the Second Amended Complaint states a legal conclusion to which no response is required. To the extent a response is required, Thomson Reuters is without sufficient knowledge or information to form a belief as to the truth of the allegation.

32. Thomson Reuters denies the allegations contained in Paragraph 32 of the Second Amended Complaint.

COUNT TWO – INFRINGEMENT OF U.S. PATENT 7,161,506

33. Thomson Reuters incorporates its responses to Paragraphs 1-32 above.

34. Thomson Reuters denies the allegations contained in Paragraph 34 of the Second Amended Complaint.

35. Thomson Reuters denies the allegations contained in Paragraph 35 of the Second Amended Complaint.

36. Thomson Reuters denies the allegations contained in Paragraph 36 of the Second Amended Complaint.

37. Thomson Reuters is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 37 of the Second Amended Complaint and therefore denies them.

38. Thomson Reuters is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 38 of the Second Amended Complaint and therefore denies them.

39. Thomson Reuters is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 39 of the Second Amended Complaint and therefore denies them.

40. Thomson Reuters is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 40 of the Second Amended Complaint and therefore denies them.

41. Thomson Reuters is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 41 of the Second Amended Complaint and therefore denies them.

42. Thomson Reuters is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 42 of the Second Amended Complaint and therefore denies them.

43. Thomson Reuters is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 43 of the Second Amended Complaint and therefore denies them.

44. Thomson Reuters is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 44 of the Second Amended Complaint and therefore denies them.

45. Thomson Reuters states that Paragraph 45 of the Second Amended Complaint states a legal conclusion to which no response is required. To the extent a response is required, Thomson Reuters is without sufficient knowledge or information to form a belief as to the truth of the allegation.

46. Thomson Reuters denies the allegations contained in Paragraph 46 of the Second Amended Complaint.

47. Thomson Reuters denies the allegations contained in Paragraph 47 of the Second Amended Complaint.

COUNT THREE – INFRINGEMENT OF U.S. PATENT 7,400,274

48. Thomson Reuters incorporates its responses to Paragraphs 1-47 above.

49. Thomson Reuters denies the allegations contained in Paragraph 49 of the Second Amended Complaint.

50. Thomson Reuters denies the allegations contained in Paragraph 50 of the Second Amended Complaint.

51. Thomson Reuters denies the allegations contained in Paragraph 51 of the Second Amended Complaint.

52. Thomson Reuters is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 52 of the Second Amended Complaint and therefore denies them.

53. Thomson Reuters is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 53 of the Second Amended Complaint and therefore denies them.

54. Thomson Reuters is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 54 of the Second Amended Complaint and therefore denies them.

55. Thomson Reuters is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 55 of the Second Amended Complaint and therefore denies them.

56. Thomson Reuters is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 56 of the Second Amended Complaint and therefore denies them.

57. Thomson Reuters is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 57 of the Second Amended Complaint and therefore denies them.

58. Thomson Reuters is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 58 of the Second Amended Complaint and therefore denies them.

59. Thomson Reuters is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 59 of the Second Amended Complaint and therefore denies them.

60. Thomson Reuters states that Paragraph 60 of the Second Amended Complaint states a legal conclusion to which no response is required. To the extent a response is required, Thomson Reuters is without sufficient knowledge or information to form a belief as to the truth of the allegation.

61. Thomson Reuters denies the allegations contained in Paragraph 61 of the Second Amended Complaint.

62. Thomson Reuters denies the allegations contained in Paragraph 62 of the Second Amended Complaint.

COUNT FOUR – INFRINGEMENT OF U.S. PATENT 7,417,568

63. Thomson Reuters incorporates its responses to Paragraphs 1-62 above.

64. Thomson Reuters denies the allegations contained in Paragraph 64 of the Second Amended Complaint.

65. Thomson Reuters denies the allegations contained in Paragraph 65 of the Second Amended Complaint.

66. Thomson Reuters denies the allegations contained in Paragraph 66 of the Second Amended Complaint.

67. Thomson Reuters is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 67 of the Second Amended Complaint and therefore denies them.

68. Thomson Reuters is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 68 of the Second Amended Complaint and therefore denies them.

69. Thomson Reuters is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 69 of the Second Amended Complaint and therefore denies them.

70. Thomson Reuters is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 70 of the Second Amended Complaint and therefore denies them.

71. Thomson Reuters is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 71 of the Second Amended Complaint and therefore denies them.

72. Thomson Reuters is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 72 of the Second Amended Complaint and therefore denies them.

73. Thomson Reuters is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 73 of the Second Amended Complaint and therefore denies them.

74. Thomson Reuters is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 74 of the Second Amended Complaint and therefore denies them.

75. Thomson Reuters states that Paragraph 75 of the Second Amended Complaint states a legal conclusion to which no response is required. To the extent a response is required, Thomson Reuters is without sufficient knowledge or information to form a belief as to the truth of the allegation.

76. Thomson Reuters denies the allegations contained in Paragraph 76 of the Second Amended Complaint.

77. Thomson Reuters denies the allegations contained in Paragraph 77 of the Second Amended Complaint.

PRAYER FOR RELIEF

78. Thomson Reuters states that Paragraph 78 of the Second Amended Complaint states a legal conclusion to which no response is required. To the extent a response is required, Thomson Reuters denies that Realtime is entitled to any relief.

DEMAND FOR JURY TRIAL

79. Thomson Reuters states that Paragraph 79 of the Second Amended Complaint states a legal conclusion to which no response is required.

AFFIRMATIVE DEFENSES

In addition to its responses to the numbered paragraphs of the Second Amended Complaint, Thomson Reuters hereby sets forth the following affirmative defenses to Plaintiff's claims, each to be considered in the alternative. Thomson Reuters reserves the right to add additional affirmative defenses as they may become available. Assertion of an affirmative defense herein is not intended to assume the burden of proof as to any matter, where that burden would otherwise lay with Plaintiff.

First Affirmative Defense
(Non-Infringement)

80. Thomson Reuters has not, willfully or otherwise, infringed, contributed to the infringement of, or actively induced infringement of, any claim of the '761, '506, '274, and '568 Patents (collectively, "the Patents-In-Suit").

Second Affirmative Defense
(Invalidity)

81. Each claim of the Patents-In-Suit is invalid, void, and/or unenforceable for failure to meet the conditions of patentability set forth in, or otherwise to comply with, Title 35 of the United States Code, including but not limited to, 35 U.S.C. §§ 101, 102, 103, 112, 116, 132, 256, and 305, as well as any judicial doctrine of invalidity, including, without limitation, double patenting.

Third Affirmative Defense
(Prosecution History Estoppel)

82. Realtime Data's claims are barred by the doctrine of prosecution history estoppel by reason of the conduct, actions, omissions and/or communications of Realtime Data and/or its predecessors-in-interest in prosecuting, before the United States Patent and Trademark Office, the applications leading to the Patents-In-Suit and/or related patent applications (including,

without limitation, continuations and divisionals), as well as any reexamination or reissue proceedings concerning the Patents-In-Suit and/or related patents (including, without limitation, continuations and divisionals).

Fourth Affirmative Defense
(Laches)

83. Realtime Data's claims are barred by the doctrine of laches by reason of the conduct, actions, omissions and/or communications of Realtime Data and/or its predecessors-in-interest, as Realtime Data and/or its predecessors-in-interest have delayed an unreasonable period of time before bringing this action, which delay caused detriment and prejudice to Thomson Reuters.

Fifth Affirmative Defense
(Prosecution Laches)

84. Realtime Data's claims are barred by the doctrine of prosecution laches by reason of the conduct, actions, omissions and/or communications of Realtime Data and/or its predecessors-in-interest, including that Realtime Data and/or its predecessors-in-interest have delayed an unreasonable period of time in prosecuting, before the United States Patent and Trademark Office, the applications leading to the Patents-In-Suit and/or related patent applications (including, without limitation, continuations and divisionals), which delay caused detriment and prejudice to Thomson Reuters.

Sixth Affirmative Defense
(Inequitable Conduct)

85. Realtime Data's claims are barred by the doctrine of inequitable conduct by reason of the conduct, actions, omissions and/or communications of Realtime Data and/or its predecessors-in-interest, the inventors of the Patents-In-Suit, the prosecuting attorneys or agents

of the Patents-In-Suit and/or related attorneys or agents or any other individuals contemplated by 37 C.F.R. § 1.56(c).

The ’761 Prosecution

86. On information and belief, one or more of the persons substantively involved in the prosecution of the application leading to the ’761 Patent was aware of information material to the patentability of the claims of the ’761 Patent, but withheld that information from the U.S. Patent and Trademark Office (“PTO”) with intent to deceive. As used herein, persons substantively involved in the prosecution of a patent application, include at least the inventors, attorneys or agents involved in preparing or prosecuting the patent application, and any other individuals contemplated by 37 C.F.R. § 1.56(c).

87. On information and belief, one or more persons involved in the prosecution of the application leading to the ’761 Patent were also involved in the prosecution of the application leading to U.S. Patent No. 6,597,812 (“the ’812 Patent”), including Frank V. DeRosa, Esq. and Mr. James Fallon. These people would have been aware of the prior art references cited in this application.

88. U.S. Patent No. 5,870,036 (“Franaszek”) was cited during the prosecution of the application leading to the ’812 Patent. The ’812 Patent issued on July 22, 2003, when the application leading to the ’761 Patent was still pending.

89. The Franaszek prior art reference is material to the patentability of the ’761 Patent because it discloses using a compression method preselected for a data type, or alternatively selecting a compression method using a disclosed methodology.

90. On information and belief, the persons involved in prosecuting the ’761 Patent and the ’812 Patent, including Mr. DeRosa and Mr. Fallon, were aware of and intentionally failed to disclose the Franaszek prior art reference to the Examiner in connection with the

application leading to the ’761 Patent. On information and belief, these persons failed to disclose the Franaszek prior art reference with an intent to deceive the PTO.

91. In addition, an International Patent Application, PCT/US00/42018 published as WO02/39591 (“the ’591 PCT Application”), was filed on November 9, 2000 and named James J. Fallon as Inventor and Frank DeRosa as Agent. On information and belief, claim 1 of the ’591 PCT Application is substantially identical to claim 17 of the ’761 Patent. On information and belief, claim 2 of the ’591 PCT Application is substantially identical to claim 21 of the ’761 Patent. On July 31, 2001, an International Search Report was issued in connection with the ’591 PCT Application. The International Search Report cited European Patent No. 0405572 as a “document of particular relevance” to, among other claims, claims 1 and 2 of the ’591 PCT Application. In addition, the International Search Report cited WO97/48212 as a “document of particular relevance” to, among other claims, claims 1 and 2 of the ’591 PCT Application. The International Search Report also cited European Patent No. 0493130 as a “document of particular relevance” to, among other claims, claims 1 and 2 of the ’591 PCT Application.

92. On information and belief, Messrs. DeRosa and Fallon did not further prosecute the ’591 PCT Application. On information and belief, the decision not to further prosecute the ’591 PCT Application was based at least in part on the International Search Report. On October 29, 2001, Messrs. DeRosa and Fallon filed the application leading to the ’761 Patent. On information and belief, the application leading to the ’761 Patent included claim 17, which is substantially identical to claim 1 of the ’591 PCT Application, and claim 18 (which issued as claim 21), which is substantially identical to claim 2 of the ’591 PCT Application. European Patent No. 0405572, WO97/48212, and European Patent No. 0493130 are each highly material

to the patentability of claims 17 and 21 of the ’761 Patent as well as to the other claims of the ’761 Patent.

93. On information and belief, the PTO has confirmed the materiality of WO97/48212 with respect to claims 17 and 21 of the ’761 Patent. In a July 24, 2009 document granting reexamination of the ’761 Patent, the PTO stated: “Accordingly, [WO97/48212] raises a substantial new question of patentability as to claims 17 and 21, which question has not been decided in a previous examination of the ’761 Patent.”

94. On information and belief, the persons involved in prosecuting the ’761 Patent and the ’591 PCT Application, including Mr. DeRosa and Mr. Fallon, were aware of and intentionally failed to disclose European Patent No. 0405572, WO97/48212, and European Patent No. 0493130 to the Examiner in connection with the application leading to the ’761 Patent, and in so doing intended to deceive the PTO.

95. The ’506 Patent is a continuation of the ’761 Patent. James J. Fallon is a named inventor of the ’506 Patent, the ’761 Patent, the ’274 Patent, and the ’568 Patent. On information and belief, all of these patents are commonly owned by Plaintiff Realtime Data. The ’274 Patent is a continuation of the ’568 Patent. The specification of the ’274 and ’568 Patents incorporate by reference the specification of the application leading to the ’761 Patent, which is also substantially the same as the specification of the ’506 Patent. Thus, all of the Patents-In-Suit are related patents for the purposes of the doctrine of infectious unenforceability.

96. The withholding of information material to patentability with the intent to deceive the PTO constitutes inequitable conduct. Thus the ’761 Patent is unenforceable due to inequitable conduct. This conduct also renders related patents, including all of the Patents-In-Suit, unenforceable under the doctrine of infectious unenforceability.

The ’506 Prosecution

97. On information and belief, one or more of the persons substantively involved in the prosecution of the application leading to the ’506 Patent was aware of information material to the patentability of the claims of the ’506 Patent, but withheld that information from the U.S. Patent and Trademark Office (“PTO”) with intent to deceive. As used herein, persons substantively involved in the prosecution of a patent application, include at least the inventors, attorneys or agents involved in preparing or prosecuting the patent, and any other individuals contemplated by 37 C.F.R. § 1.56(c).

98. The withheld information includes prior art references cited in connection with two related patents, U.S. Patent No. 7,358,867 (“the ’867 Patent”) and U.S. Patent No. 7,378,992 (“the ’992 Patent”). On information and belief, the ’867 Patent and the ’992 Patent are both assigned to the Plaintiff.

99. Upon information and belief, one or more people involved in the prosecution of the application leading to the ’506 Patent were also involved in the prosecution of applications leading to the ’867 Patent and the ’992 Patent, including Jeffrey D. Mullen, Esq. On information and belief, these people would have been aware of the prior art references cited in these applications.

100. On November 9, 2006, information disclosure statements were filed in the applications leading to the ’867 Patent and the ’992 Patent citing, among other prior art references, U.S. Patent No. 6,308,311 (“Carmichael”) and U.S. Patent No. 6,810,434 (“Muthujumaraswathy”). On information and belief, these prior art references are material to the patentability of the ’506 Patent. On information and belief, the people involved in the

application leading to the ’506 Patent would have been aware of these prior art references at least as early as November 9, 2006, when the application leading to the ’506 Patent was still pending.

101. Upon information and belief, the people involved in prosecuting the ’506 Patent, including Mr. Mullen, intentionally failed to disclose the Carmichael and Muthujumaraswathy prior art references to the Examiner in connection with the application leading to the ’506 Patent.

102. The ’506 Patent is a continuation of the ’761 Patent. James J. Fallon is a named inventor of the ’506 Patent, the ’761 Patent, the ’274 Patent, and the ’568 Patent. On information and belief, all of these patents are commonly owned by Plaintiff Realtime Data. The ’274 Patent is a continuation of the ’568 Patent. The specification of the ’274 and ’568 Patents incorporate by reference the specification of the application leading to the ’761 Patent, which is also substantially the same as the specification of the ’506 Patent. Thus, all of the Patents-In-Suit are related patents for the purposes of the doctrine of infectious unenforceability.

103. The withholding of information material to patentability with the intent to deceive the PTO constitutes inequitable conduct. Thus the ’506 Patent is unenforceable due to inequitable conduct. This conduct also renders related patents, including all of the Patents-In-Suit, unenforceable under the doctrine of infectious unenforceability.

Seventh Affirmative Defense
(Failure to Mark)

104. Realtime Data is barred, in whole or in part, from obtaining the relief it seeks by reason of the conduct, actions, omissions and/or communications of Realtime Data and/or its predecessors-in-interest, as Realtime Data and/or its predecessors-in-interest have failed to comply with the requirements of 35 U.S.C. § 287, including by failing to mark and/or by failing to require licensees of the Patents-In-Suit to mark products that practice the Patents-In-Suit.

Eighth Affirmative Defense
(No Double Recovery)

105. Realtime Data is barred, in whole or in part, from obtaining the relief it seeks by reason of the conduct, actions, omissions and/or communications of Realtime Data and/or its predecessors-in-interest in licensing and/or enforcing the Patents-In-Suit, by the doctrines prohibiting double recovery.

Ninth Affirmative Defense
(Limitation on Damages and Other Relief)

106. Realtime Data is barred, in whole or in part, from obtaining the relief it seeks by reason of the conduct, actions, omissions and/or communications of Realtime Data and/or its predecessors-in-interest, and by operation of the applicable statutes which limit damages and other relief, including but not limited to 35 U.S.C. §§ 286, 287, and 288, as well as any judicial doctrine limiting damages and/or other relief.

Tenth Affirmative Defense
(No Equitable Relief)

107. Realtime Data has an adequate remedy at law and no basis exists for the grant of equitable relief.

Dated: June 24, 2010

Respectfully submitted,

_/s/ Michael S. Davi ________________
Willem G. Schuurman (TX Bar No. 17855200)
R. Floyd Walker (TX Bar No. 24044751)
VINSON & ELKINS L.L.P.
2801 Via Fortuna, Suite 100
Austin, Texas 78746
Tel: (512) 542-8663
Fax: (512) 236-3422
bschuurman@velaw.com
fwalker@velaw.com

Constance S. Huttner (admitted pro hac vice)
Michael S. Davi (admitted pro hac vice)
VINSON & ELKINS L.L.P.
666 Fifth Avenue, 26th Floor
New York, New York 10103
Tel: (212) 237-0000
Fax: (212) 237-0100
chuttner@velaw.com
mdavi@velaw.com

Deron R. Dacus (TX Bar No. 00790553)
Ramey & Flock
100 East Ferguson, Suite 500
Tyler, Texas 75702
Tel: 903-597-3301
Fax: 903-597-2413
derond@rameyflock.com

Attorneys for Thomson Reuters Corp.

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Fed. R. Civ. P. 5(d) and Local Rule CV-5(d) and (e), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by email and/or fax, on this the 24th day of June, 2010.

/s/ Michael S. Davi
Michael S. Davi